

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.847 of 2006

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1. Kishori Mahto, son of Bilash Mahto, resident of village- Tikauli, P.S.-
Runni-Saidpur, District-Sitamarhi, Bihar.
2. Ganesh Mahto, son of late Jamun Mahto, resident of village- Thumma, P.S.
Runni-Saidpur, District-Sitamarhi, Bihar.

... .. Appellant/s

Versus

State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sudhir Kumar Jha, Advocate Mr. Pawan Kumar, Advocate
For the Respondent/s	:	Mr. S. A. Ahmad, APP.

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 09-09-2017

This is an appeal filed by the appellants Kishori Mahto and Ganesh Mahto under Section 374(2) and 389(1) of the Code of Criminal Procedure challenging their conviction by the Additional District and Sessions Judge-cum- Fast Track Court No.2, Sheohar, Sitamarhi vide judgment dated 01.08.2006 in Sessions Trial No.366 of 2003 for the offence under Section 376 read with Section 34 of the Indian Penal Code and sentence for a period of ten years rigorous imprisonment and fine of Rs.1500/- failure to deposit of which additional two months simple imprisonment have been ordered.

Even though, the matter is listed for final hearing, but it is informed that appellant No.2 Ganesh Mahto has expired during the



pendency of the appeal and, therefore, the appeal as far as the appellant No.2 Ganesh Mahto is concerned stands abated.

As far as appellant No.1 Kishori Mahto is concerned, learned counsel submits that he has already undergone the jail sentence awarded , i.e. 10 years and if he has not been released, he should be directed to be released forthwith.

Keeping in view the aforesaid, this appeal is disposed of with the direction that in case, Kishori Mahto, appellant No.1, who has already undergone the jail sentence, has not been released, he be released forthwith.

(Rajendra Menon, CJ)

Sunil/-

AFR/NAFR	NAFR
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